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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 TERRENCE WATKINS,

12 Plaintiff,

13 vs.

14 STU SHERMAN,

15 Defendant.

CASE NO. 14-cv-260-LAB-BGS

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY**

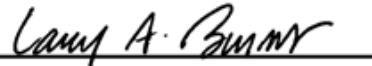
16  
17 Watkins filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.  
18 (Docket no. 1.) Magistrate Judge Skomal issued a report and recommendation on Watkins'  
19 Petition, recommending that it be denied. (Docket no. 14.) The Court adopted the report and  
20 recommendation. (Docket no. 18.)

21 A certificate of appealability must be obtained by a petitioner in order to pursue an  
22 appeal from a final order in a Section 2254 habeas corpus proceeding. See 28 U.S.C.  
23 § 2253(c)(1)(A); Fed R. App. P. 22(b). Pursuant to Rule 11 of the Federal Rules Governing  
24 Section 2254 Cases, "[t]he district court must issue or deny a certificate of appealability when  
25 it enters a final order adverse to the applicant." A certificate of appealability should be issued  
26 only where the petition presents "a substantial showing of the denial of a constitutional right."  
27 28 U.S.C. § 2253(c)(2). It must appear that reasonable jurists could find the district court's  
28 assessment of the petitioner's constitutional claims debatable or wrong. *Slack v. McDaniel*,  
529 U.S. 473, 484 (2000).

1 In this case, the Court finds that Petitioner did not make a substantial showing of the  
2 denial of a constitutional right, the issues are not debatable among jurists of reason, and a  
3 court could not resolve the issues in a different manner. *See Miller-El v. Cockrell*, 537 U.S.  
4 322, 327 (2003). The Court **DENIES** a certificate of appealability.

5 **IT IS SO ORDERED.**

6 DATED: July 22, 2015

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8 **HONORABLE LARRY ALAN BURNS**  
9 United States District Judge  
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